



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5775

by Rep. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

410 ILCS 535/12

Amends the Vital Records Act. Provides that voluntary acknowledgment of paternity, denial of parentage, and rescission of voluntary acknowledgment of paternity or denial of parentage forms shall contain the data elements required by federal law. Removes a provision concerning the font characteristics for statements waiving the right to DNA tests regarding a child's paternity. Corrects references to voluntary acknowledgment of paternity forms, denial of parentage forms, and rescission of voluntary acknowledgment of paternity or denial of parentage forms.

LRB099 18937 MJP 43326 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Section 12 as follows:

6 (410 ILCS 535/12)

7 Sec. 12. Live births; place of registration.

8 (1) Each live birth which occurs in this State shall be
9 registered with the local or subregistrar of the district in
10 which the birth occurred as provided in this Section, within 7
11 days after the birth. When a birth occurs on a moving
12 conveyance, the city, village, township, or road district in
13 which the child is first removed from the conveyance shall be
14 considered the place of birth and a birth certificate shall be
15 filed in the registration district in which the place is
16 located.

17 (2) When a birth occurs in an institution, the person in
18 charge of the institution or his designated representative
19 shall obtain and record all the personal and statistical
20 particulars relative to the parents of the child that are
21 required to properly complete the live birth certificate; shall
22 secure the required personal signatures on the hospital
23 worksheet; shall prepare the certificate from this worksheet;

1 and shall file the certificate with the local registrar. The
2 institution shall retain the hospital worksheet permanently or
3 as otherwise specified by rule. The physician in attendance
4 shall verify or provide the date of birth and medical
5 information required by the certificate, within 24 hours after
6 the birth occurs.

7 (3) When a birth occurs outside an institution, the
8 certificate shall be prepared and filed by one of the following
9 in the indicated order of priority:

10 (a) The physician in attendance at or immediately after
11 the birth, or in the absence of such a person,

12 (b) Any other person in attendance at or immediately
13 after the birth, or in the absence of such a person,

14 (c) The father, the mother, or in the absence of the
15 father and the inability of the mother, the person in
16 charge of the premises where the birth occurred.

17 (4) Unless otherwise provided in this Act, if the mother
18 was not married to the father of the child at either the time
19 of conception or the time of birth, the name of the father
20 shall be entered on the child's birth certificate only if the
21 mother and the person to be named as the father have signed a
22 voluntary ~~an~~ acknowledgment of paternity form ~~parentage~~ in
23 accordance with subsection (5).

24 Unless otherwise provided in this Act, if the mother was
25 married at the time of conception or birth and the presumed
26 father (that is, the mother's husband) is not the biological

1 father of the child, the name of the biological father shall be
2 entered on the child's birth certificate only if, in accordance
3 with subsection (5), (i) the mother and the person to be named
4 as the father have signed a voluntary ~~an~~ acknowledgment of
5 paternity form ~~parentage~~ and (ii) the mother and presumed
6 father have signed a denial of parentage form ~~paternity~~.

7 (5) Upon the birth of a child to an unmarried woman, or
8 upon the birth of a child to a woman who was married at the time
9 of conception or birth and whose husband is not the biological
10 father of the child, the institution at the time of birth and
11 the local registrar or county clerk after the birth shall do
12 the following:

13 (a) Provide (i) an opportunity for the child's mother
14 and father to sign a voluntary ~~an~~ acknowledgment of
15 paternity form ~~parentage~~ and (ii) if the presumed father is
16 not the biological father, an opportunity for the mother
17 and presumed father to sign a denial of parentage form
18 ~~paternity~~. The signing and witnessing of the voluntary
19 acknowledgment of paternity form ~~parentage~~ or, if the
20 presumed father of the child is not the biological father,
21 the voluntary acknowledgment of paternity ~~parentage~~ and
22 denial of parentage forms ~~paternity~~ conclusively establish
23 ~~establishes~~ a parent and child relationship in accordance
24 with Sections 5 and 6 of the Illinois Parentage Act of 1984
25 and with the Illinois Parentage Act of 2015 on and after
26 the effective date of that Act.

1 The Department of Healthcare and Family Services shall
2 furnish the voluntary acknowledgment of paternity and
3 denial of parentage forms ~~acknowledgment of parentage and~~
4 ~~denial of paternity form~~ to institutions, county clerks,
5 and State and local registrars' offices. The forms ~~form~~
6 shall include instructions to send the original signed and
7 witnessed acknowledgment of parentage and denial of
8 paternity to the Department of Healthcare and Family
9 Services. The voluntary acknowledgement of paternity and
10 denial of parentage forms ~~paternity form~~ shall also include
11 a statement informing the mother, the alleged father, and
12 the presumed father, if any, that they have the right to
13 request deoxyribonucleic acid (DNA) tests regarding the
14 issue of the child's paternity and that by signing the
15 form, they expressly waive such tests. The voluntary
16 acknowledgment of paternity and denial of parentage forms
17 shall contain the data elements required by federal law.
18 ~~The statement shall be set forth in bold face capital~~
19 ~~letters not less than 0.25 inches in height.~~

20 (b) Provide the following documents, furnished by the
21 Department of Healthcare and Family Services, to the
22 child's mother, biological father, and (if the person
23 presumed to be the child's father is not the biological
24 father) presumed father for their review at the time the
25 opportunity is provided to establish a parent and child
26 relationship:

1 (i) An explanation of the implications of,
2 alternatives to, legal consequences of, and the rights
3 and responsibilities that arise from signing a
4 voluntary ~~an~~ acknowledgment of paternity form
5 ~~parentage~~ and, if necessary, a denial of parentage form
6 ~~paternity~~, including an explanation of the parental
7 rights and responsibilities of child support,
8 visitation, custody, retroactive support, health
9 insurance coverage, and payment of birth expenses.

10 (ii) An explanation of the benefits of having a
11 child's parentage established and the availability of
12 parentage establishment and child support enforcement
13 services.

14 (iii) A request for an application for child
15 support enforcement services from the Department of
16 Healthcare and Family Services.

17 (iv) Instructions concerning the opportunity to
18 speak, either by telephone or in person, with staff of
19 the Department of Healthcare and Family Services who
20 are trained to clarify information and answer
21 questions about paternity establishment.

22 (v) Instructions for completing and signing the
23 voluntary acknowledgment of paternity ~~parentage~~ and
24 denial of parentage forms ~~paternity~~.

25 (c) Provide an oral explanation of the documents and
26 instructions set forth in subdivision (5) (b), including an

1 explanation of the implications of, alternatives to, legal
2 consequences of, and the rights and responsibilities that
3 arise from signing a voluntary ~~an~~ acknowledgment of
4 paternity form ~~parentage~~ and, if necessary, a denial of
5 parentage form ~~paternity~~. The oral explanation may be given
6 in person or through the use of video or audio equipment.

7 (6) The institution, State or local registrar, or county
8 clerk shall provide an opportunity for the child's father or
9 mother to sign a rescission of voluntary acknowledgment of
10 paternity or denial of parentage form ~~parentage~~. The signing
11 and witnessing of the rescission of voluntary acknowledgment of
12 paternity or denial of parentage form ~~parentage~~ voids the
13 voluntary acknowledgment of paternity form ~~parentage~~ and
14 nullifies the presumption of paternity if executed and filed
15 with the Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid) within the time frame
17 contained in Section 5 of the Illinois Parentage Act of 1984 or
18 Section 307 of the Illinois Parentage Act of 2015 on and after
19 the effective date of that Act. The Department of Healthcare
20 and Family Services shall furnish the rescission of voluntary
21 acknowledgment of paternity or denial of parentage form
22 ~~parentage form~~ to institutions, county clerks, and State and
23 local registrars' offices. The form shall include instructions
24 to send the original signed and witnessed rescission of
25 voluntary acknowledgment of paternity or denial of parentage
26 form ~~parentage~~ to the Department of Healthcare and Family

1 Services. The rescission of voluntary acknowledgment of
2 paternity or denial of parentage form shall contain the data
3 elements required by federal law.

4 (7) A voluntary ~~An~~ acknowledgment of paternity form signed
5 pursuant to Section 6 of the Illinois Parentage Act of 1984 or
6 Section 302 of the Illinois Parentage Act of 2015 on and after
7 the effective date of that Act may be challenged in court only
8 on the basis of fraud, duress, or material mistake of fact,
9 with the burden of proof upon the challenging party. Pending
10 outcome of a challenge to the voluntary acknowledgment of
11 paternity form, the legal responsibilities of the signatories
12 shall remain in full force and effect, except upon order of the
13 court upon a showing of good cause.

14 (8) When the process for acknowledgment of parentage as
15 provided for under subsection (5) establishes the paternity of
16 a child whose certificate of birth is on file in another state,
17 the Department of Healthcare and Family Services shall forward
18 a copy of the voluntary acknowledgment of paternity, denial of
19 parentage, and ~~acknowledgment of parentage, the denial of~~
20 ~~paternity,~~ if applicable, rescission of voluntary
21 acknowledgment of paternity or denial of parentage forms ~~and~~
22 ~~the rescission of parentage, if applicable,~~ to the birth record
23 agency of the state where the child's certificate of birth is
24 on file.

25 (9) In the event the parent-child relationship has been
26 established in accordance with subdivision (a)(1) of Section 6

1 of the Parentage Act of 1984, the names of the biological
2 mother and biological father so established shall be entered on
3 the child's birth certificate, and the names of the surrogate
4 mother and surrogate mother's husband, if any, shall not be on
5 the birth certificate.

6 (Source: P.A. 99-85, eff. 1-1-16.)